

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DANA ANDREW, as legal guardian on
behalf of Ryan T. Pretner, and RYAN T.
PRETNER,

Plaintiffs,

v.

CENTURY SURETY COMPANY,

Defendant.

Case No. 2:12-cv-00978-APG-PAL

**ORDER SUSPENDING BRIEFING ON
MOTION FOR RECONSIDERATION
AND REQUIRING BRIEFS ON
WHETHER THIS CASE SHOULD BE
STAYED**

On June 13, 2016, defendant Century Surety Company filed a motion for reconsideration of my prior order and a motion to exceed page limit. ECF Nos. 217, 218.

On June 1, 2016, the Ninth Circuit Court of Appeals certified to the Supreme Court of Nevada the follow question of law: “Whether, under Nevada law, the liability of an insurer that has breached its duty to defend, but has not acted in bad faith, is capped at the policy limit plus any costs incurred by the insured in mounting a defense, or is the insurer liable for all losses consequential to the insurer’s breach?” *Nalder v. United Automobile Ins. Co.*, Ninth Cir. Case No. 13-17441 (ECF No. 39). The Ninth Circuit’s order certifying the question refers to some of my decisions in this case. *Id.* at 7-10. Thus, the answer from the Supreme Court of Nevada, should it accept the certification, likely will have a significant impact on the outcome of this case.

The parties are hereby ordered to review the Ninth Circuit’s certification order in *Nalder* and file a joint or separate briefs about whether this case should be stayed pending an answer from the Supreme Court of Nevada on the certified question. Briefing on the pending motion for reconsideration is temporarily suspended until I determine whether this case should be stayed.

The parties are free to continue their settlement discussions and resolve this matter.

1 IT IS THEREFORE ORDERED that by June 30, 2016, the parties shall file a joint or
2 separate briefs about whether this case should be stayed pending an answer from the Supreme
3 Court of Nevada on the certified question in *Nalder*.

4 DATED this 14th day of June, 2016.

A handwritten signature in dark ink, appearing to read 'A. Gordon', with a long horizontal stroke extending to the right.

6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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